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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, et al

Defendants.

Adv. Pro. No. 09-01364 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL**  
**WITH PREJUDICE AS TO HERALD FUND SPC AND PRIMEO FUND**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Primeo Fund (In Official Liquidation) (“Primeo”), by and through its counsel, Kirkland & Ellis LLP, and Herald Fund SPC (In Official Liquidation) (“Herald”), by and through its counsel, Morrison & Foerster, LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 5, 2010, the Trustee filed and served the Amended Complaint against, *inter alia*, Primeo and Herald.

2. On November 12, 2014, the Parties entered into a settlement agreement pursuant to Federal Rule of Bankruptcy Procedure 9019. The settlement agreement was approved by this Court on December 17, 2014, ECF No. 349.

3. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Primeo and Herald in the above-captioned adversary proceeding.

4. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

5. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall

be deemed an original.

Dated: January 15, 2015

**BAKER & HOSTETLER LLP**

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the Liquidation of Bernard L. Madoff Investment  
Securities LLC and Estate of Bernard L. Madoff*

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***Signatures continue on next page***

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*Attorneys for Defendant Primeo Fund*

SO ORDERED:

Dated: January 16<sup>th</sup>, 2015  
New York, New York

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE